

**CITIZEN'S COMMENTS
MUNICIPAL COUNCIL MEETING
FEBRUARY 16, 2021**

JEFFREY FELD – hardwaredad@aol.com

**Primary Agenda Related Items
January 2021 OPRA Report**

1. Of the 17 pending and open January 2021 OPRA Requests, who are the requestors?
2. Of the 17 pending and open January 2021 OPRA Requests, what departments or boards have delayed production?
3. Have these departments and boards historically delayed production of government records pursuant to OPRA?
4. What is the status of the executed CY 2020 Nishuane Group retention agreements?
5. What is the status of all affidavits of title and closing statements delivered in connection with the Bank of America/Rossi Paints March 2019 acquisition and bond anticipation note transaction that closed despite the filing of a Feld XIX prerogative writ action within the twenty days estoppel period?
6. How many CY 2019 and CY 2020 OPRA Requests remain open and pending?
7. Did Orange receive any additional federal document subpoenas or requests for additional materials in CY 2019 and CY 2020?
8. If so, what were their dates of issuance and receipt by Orange's record custodian?
9. Why the delay in producing and posting the "notorious" Walk-On \$350,000 Contract Approval Res. 237-2015 adopted September 18, 2015, the availability of funds certification, the three requisitions for payment and the three issued checks?

First Reading

**Tabled - Legislative Research Officer Amending Ord. 3-2021
Legislative Research Officer Res. 24-2021**

10. I incorporate herein by reference all my prior unanswered questions about the legality of this position under State law and whether residents, taxpayers and interested stakeholders entitled to a prompt oral response to all pertinent second reading public hearing written and oral questions before the CC considers and takes official action on an ordinance agenda action item not subject to referendum challenge? See, Jeffrey S. Feld, v. City of Orange Township, A-3449-15T1 (Aug. 8, 2018) ("Feld XIV").

CY 2021 CAP Bank Ordinance 7-2021

11. In CY 2014 and under the watch of Finance Director Mapp, did Orange negligently, recklessly and intentionally rescind its original introduced CY 2014 Budget and adopt an after-the-fact CY 2014 CAP Bank Ordinance?
12. Why hasn't the local governing body exercised its legislative powers and prerogatives and severed (upon proper notice and hearing) Orange's relationship with Finance Director Mapp?

**PEEK Reock II Owners Urban Renewal LLC \$200,000 Recourse Redevelopment Area Bond
Ord. 5-2021**

PEEK Reock III Owners Urban Renewal LLC \$200,000 Recourse Redevelopment Area Bond
Ord. 6-2021

13. Based upon what transpired at the last February 13, 2021 Local Finance Board Meeting, why is Orange issuing recourse (and not non-recourse) redevelopment area bonds?
14. Does this proposed issuance require Local Finance Board Approval?
15. If so, why was no LFB authorization application listed on the agenda?
16. Will these be tax exempt or taxable redevelopment area bonds?
17. Who will be the purchaser?
18. What are the projected interest rates?

PEEK Reock II Owners Urban Renewal LLC 30 Year LTTEL Long Term Tax Exemption
Ord. 8-2021

PEEK Reock III Owners Urban Renewal LLC LTTEL Long Term Tax Exemption
Ord. 9-2021

19. Will the supporting applications and net benefits fiscal impact studies be posted on a public website prior to the second reading?
20. Has the financial agreement template changed from the last approved PEEK Reock I Owners Urban Renewal LLC long term tax exemption transaction?
21. If the developer sells the project, is Orange entitled to any net sale proceeds after the recovery of a guaranteed investment return?
22. Are these projects located within a duly designated opportunity zone?
23. Is the County entitled to any portion of the annual 2% administrative fee?
24. If the existing structures are demolished prior to the effective date of the financial agreement, will the minimum guaranteed payment to Orange be based solely upon the vacant land?
25. Would it be prudent and more equitable to establish the minimum guaranteed payment based upon the assessed value of the properties as of the date of approval of the financial agreement and the tax rate in effect on the last day of the calendar year before the project went on line?
26. Other than the payments to be made under the financial agreements, is the developer making any other contributions or infrastructure payments to Orange?
27. From whom has the local governing body received a legal opinion or memorandum that the long term tax exemption transaction complies with the terms and spirit of the State's Long Term Tax Exemption Handbook issued on or about November 18, 2021?
28. In CY 2021, did the Nissuane Group intervene or act on behalf of any equity holder or related entity in another redevelopment project in Orange? See, Jan. 26, 2021, Jan. 27, 2021 and Feb. 2, 2021 205 Mt. Vernon emails from Anika Dodson on which Planning and Economic Director L. Best was copied.

Resolutions

\$106,360 COVID-19 Justice Department Related Grant Res. 81-2021
\$142,236 COVID-19 Public Health Related Res. 82-2021

29. In what CY Budget, will these grants be included? Date of Award? Date of Acceptance?
30. In the future, can the amount of the grant be included in the agenda caption?

Bill List Res. 74-2021

31. Will the monies paid in CY 2021 to our auditor and outside budget consultant for services performed in CY 2020 be reflected in the CY 2020 Budget and 1099s or in the CY 2021 Budget and 1099s?
32. Who executed and approved the Lamb Kretzer \$1,050 Purchase Order/Requisition 20-00896 for services performed in a pending matter in which Judith Feld was the first named plaintiff?

Outside Attorneys Retention Resolutions 84- to 91-2021

33. Is the Scarcini Hollenback \$100,000 retention resolution limited to labor related matters?
34. Is there a chart setting forth how much Orange (or its PEJIF carrier) has expended defending certain matters to date?
35. What are the basic allegations in each matter? Tort? Breach of Contract? Whistleblower? Wrongful termination? Prerogative Writ?
36. Who confirmed the accuracy of all docket numbers in the agenda captions?
37. Who reviews the work product of all outside counsel?
38. When did Orange begin to insert the following language: “WHEREAS a certification of funds is not required because the payor of this agreement is the City’s insurance carrier PEJIF?”
39. Why is the local governing body approving the continued retention of Lamb Kretzer in a matter in which a consent order dismissing a prerogative writ action relating to inclusion within the Main Street Redevelopment Plan Area was entered on or about April 29, 2020? See, Res. 88-2021.
40. Does Orange have any colorable claims or causes of actions against any outside law firms and other professionals?

Agenda Action Items
Ordinances – Second Reading
Ordinance 2-2021 Increasing and Amending Streetscape \$2,600,000

41. Does Orange's supporting CY 2021 Annual Debt Statement, Supplemental Debt Statement and LFB Application reflect any COVID-19 related five year emergency appropriations?
42. What will be the additional tax burden on local taxpayers from this additional recourse indebtedness?
43. After this recourse debt issuance, what will be Orange's remaining qualified municipal debt availability?
44. On February 13, 2021, did anyone associated with Orange erroneously respond to any factual questions from the Local Finance Board Chair regarding this transaction?